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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,076	06/08/2006	Kazutaka Kubota	F-9138	1483

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EXAMINER	
JONES, MARCUS D	

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/582,076	KUBOTA ET AL.	
	Examiner	Art Unit	
	Marcus D. Jones	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 10-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 10-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed on in response to the previous Non-Final Office Action (18 April 2008) is acknowledged and has been entered.

Claims 1-7 and 10-16 are currently pending.

Claims 8 and 9 are cancelled.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1, 5, 6, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Jokipii et al. (US PGPub 2003/0190960).

In reference to claims 1, 12 and 13, Jokipii discloses: A game progress administering system and method in which game terminal units to be operated by players are operated while being so connected via communication lines as to be able to communicate operation signals necessary for progress of a competition game and administration of progressing of competition games in a tournament made up of a plurality of rounds, comprising: participation receiving means for receiving participation in the competition game from the game terminal units (pg 1, par 9), combination generating means for fitting participating terminal units of the game terminal units, which are game terminal units whose participation was received by the participation receiving means, into combinations of the participating game terminal units for the competition game tournament in accordance with a specified rule (pg 4, par 37), competition starting means for allotting one game space to one combination in accordance with the combinations generated by the combination generating means and instructing the participating terminal units to start the competition games in the respective rounds (pg 2, par 27), competition ending means for instructing the participating terminal units to end competitions in the respective rounds in accordance with time limits for competition times set beforehand for the respective rounds at least up to the semifinal round and determining winning participating terminal units in accordance with dominance in progression of the competition games when the competitions are ended (pg 4, par 45), the competition game being a game simulating mahjong having a plurality of winds (pg 1, par 4-5, *board and tile games*), proceeding means for proceeding with the competition game in accordance with a tile discarding time that is a preset limit time

from draw of a tile to discard of a tile (pg 3, par 36), rank storage means for storing ranks of the players representing strengths of the players based on past competition results in correspondence with identification information of the players (pg 2, par 27), and discarding-time storage means for storing a tile discarding time for each rank (pg 2-3, par 29, *The Applicant describes the discarding-time storage means in reference to memory. Jokipii discloses an electronic storage device (including databases) located on the server. It is also inherent for the game terminal to include RAM for storage.*). wherein the participation receiving means receives the identification information of the players and reads the ranks corresponding to the received identification information of the players from the rank storage means, and the proceeding means reads the tile discarding time corresponding to the rank read by the participation receiving means from the discarding-time storage means, and conducts the competition game in accordance with the read tile discarding time (pg 2-3, par 29). Jokipii also discloses the use of a computing device that may be a personal desktop, laptop, tablet computer, handheld computer, or mobile telephone (pg 3, par 30). It is also inherent that a computing device contain a computer-readable recording medium on which the game progress administering program for a game a progress administering system and method is stored.

In reference to claim 5, Jokipii discloses the invention substantially as claimed. Jokipii further discloses wherein the combination generating means fits the participating terminal units into the combinations of the competition game tournament so that the

number of the participating terminal units fitted in the respective combinations of the competition game tournament substantially coincide with each other (pg 4, par 37).

In reference to claim 6, Jokipii discloses the invention substantially as claimed. Jokipii further discloses wherein the competition ending means instructs the participating terminal units to end the competition at a point of time when the progress status of the competition game becomes a predetermined status when no time limit is set for the final round (pg 4, par 38).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 2, 3, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jokipii et al. (US PGPub 2003/0190960).

In reference to claim 2, Jokipii discloses the invention substantially as claimed. Jokipii does not specifically disclose a participating terminal number counting means. Jokipii does however disclose that if an opponent is a no-show or fails to respond after a certain time, the game is forfeited and the winning participant is advanced in the tournament and match in the next round (pg 3, par 35). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include a terminal counting means in a tournament system as to know the appropriate number of participants to match up.

In reference to claim 3, Jokipii discloses the invention substantially as claimed. Jokipii further discloses further comprising combination interval setting means for setting the predetermined time in accordance with date and hour (pg 3, par 35).

In reference to claim 11, Jokipii discloses the invention substantially as claimed. Jokipii does not specifically disclose extending the tile discarding time a specified number of times per round as well as a specified number of times. Jokipii does disclose a maximum amount of time per move (pg 3, par 35). Jokipii also discloses that the game is played in real-time (pg 1, par 10). It would have been an obvious common courtesy to allow players to extend past the allotted time per move on occasion since mahjong is turn based. The time restriction exists only so a game or round does not go on indefinitely, but does not change the game outcome.

5. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jokipii et al. (US PGPub 2003/0190960), and further in view of Stephenson (US 6,174,237).

In reference to claim 4, Jokipii discloses the invention substantially as claimed. Jokipii fails to specifically disclose a combination generating means. Stephenson teaches that the host computer has the ability to act as another player if a game requires more than a single player that has not been matched (col 2, ln 19-21).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Jokipii in view of Stephenson to include the feature of a computer operated opponent if all players are not matched with another human opponent.

In reference to claim 7, Jokipii disclose the invention substantially as claimed. Jokipii further discloses the game administering system further comprises winner number setting means for setting a number of winners in one combination made up of the specified number of competitors for each round, and the competition ending means determines the number of winners set by the winner number setting means (pg 4, par 47). Jokipii fails to specifically disclose the game being played by three or a larger specified number of competitors. Stephenson teaches that the maximum number of participants during the qualifying round is open-ended and the only restriction on the number of participants would be specific to the particular game of skill being played (col 3, ln 27-32).

6. Claims 10 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jokipii et al. (US PGPub 2003/0190960), and further in view of Kim (US 6,398,642).

In reference to claim 10, Jokipii discloses the invention substantially as claimed. Jokipii does not specifically disclose that the higher the rank, the shorter the tile discarding time to be set in the discarding-time storage means. Kim teaches associating time of play of the game with levels of players (col 2, ln 37-42).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Jokipii in view of Kim to require a shorter discard time for a expert in the game and a longer time for a less experienced player.

In reference to claims 14, 15, and 16, Jokipii discloses the invention substantially as claimed. Jokipii further discloses said proceeding means reads from the discarding time storage means tile discarding times corresponding to a rank of each of the players operating the game terminal units from which the participating receiving means receives participation (pg 2, par 27, *The online gaming system 100 generally comprises one or more servers programmed and equipped to process data received from a plurality of user computing devices 210*). Jokipii does not specifically disclose conducting the competition game in accordance with the tile discarding time read. Kim teaches associating time of play of the game with levels of players, as discussed above in claim 10. Kim also discloses a variety of different time limits (col 5, ln 5-7).

Response to Arguments

7. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

The Applicant's incorporation of the subject matter of claims 8 and 9 into independent claims 1, 12, and 13 necessitated the new ground(s) of rejection and the Action is hereby made Final.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus D. Jones whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/
Examiner, Art Unit 3714

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714